



## REMARKS

### Sequence Listing:

The Examiner has stated that the communication filed on November 7, 2002 was not fully responsive as set forth on the Notice to Comply with Sequence Rules mailed October 2, 2002. Enclosed herewith are a Substitute paper and computer readable form of the Sequence Listing, which corrects the errors in the original Sequence Listing as noted in the Raw Sequence Listing Error Report. Applicants' agent hereby asserts that the content of the paper and computer readable copies of SEQ ID NO:1 through SEQ ID NO:7 submitted herewith are identical and include no new matter.

### Restriction Requirement:

The Examiner has restricted the present application into four groups of claims, as follows: Group I (Claims 1-4), directed to a DNA containing a mutation in the repressor region of the 5-HT1A receptor gene; Group II (Claims 5-6), directed to a glucocorticoid response element within the 5-HT1A gene; Group III (Claim 7), directed to a method of detecting depression and related mental illnesses using DNA amplification of the 5-HT1A receptor gene and detecting mutations; and Group IV (Claim 8), directed to a method of identifying a protein which binds to an oligonucleotide comprising screening cDNA libraries and cloning cDNAs of proteins that bind. Applicants provisionally elect with traverse to prosecute Group I (Claims 1-4).

Applicants traverse the restriction between Groups I and III. The Patent Office may require restriction if two or more "independent and distinct" inventions are claimed in one application. However, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." M.P.E.P. Section 803. Applicants submit that the method claims of Group III relate to the use of the DNA of Group I. Therefore, the subject matter of Groups I and III is so small that a thorough search for the subject matter of Group I will be sufficient to examine the claims of Group III. In any event, if the elected claims of Group I are found allowable, Applicants reserve their right to amend the process claims of Group III to be commensurate in scope with the product claims of Group I, and to request that such amended method claims that depend from or otherwise

include all the limitations of the allowable product be rejoined and examined for patentability. In re Brouwer, 37 USPQ2d 1663 (Fed. Cir. 1996); In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995).

Respectfully submitted,

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